

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROBERT M. HYTKEN, <i>et al.</i> ,	§
	§
	§
Appellants,	§
	§
VS.	§ CIVIL ACTION NO. H-06-2169
	§
RANDY W. WILLIAMS, TRUSTEE, <i>et al.</i> ,	§
	§
	§
Appellees.	§
	§

ORDER

Appellants have moved for a second extension of time to file their brief. (Docket Entry No. 5). They ask for an extension of thirty days after a state-court hearing that is scheduled to take place on November 8, 2006, asserting that events in that hearing may impact the issues in this case. Appellees oppose the motion for extension, asserting that the state-court hearing cannot affect this appeal and that the appeal is meritless. Appellees assert that the motion is merely for delay.

This court cannot evaluate in advance whether the appeal is moot or otherwise meritless or whether the state-court hearing will affect this case. The motion for extension is granted, but not for the full thirty days sought. Appellants must file their brief no later than **November 18, 2006**.

SIGNED on November 3, 2006, at Houston, Texas.



Lee H. Rosenthal
United States District Judge